

# Michigan District Judges Association



## MDJA

The MDJA is a voluntary association made up of Michigan District Court Judges that was established to further an understanding and cooperation among members of the judiciary, and members of the legislative and executive branches of state, and local governments. MDJA actively promotes public awareness of the functions, responsibilities and activities of the Michigan District Court. And, promotes and supports activities designed to improve and maintain a sound and efficient administration of justice in the District Court.

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Presentation to  
Michigan State House of Representatives  
Judiciary Committee  
54A District Court  
Lansing, Michigan  
May 26, 2011

Overview of Michigan District Court

The District Court (with which more citizens have contact than any other court) has exclusive jurisdiction of all civil litigation up to \$25,000 and also handles garnishments, eviction proceedings, land contract and mortgage foreclosures and other proceedings.

For criminal cases, the District Court conducts preliminary examinations in felony cases, and handles all misdemeanors where punishment does not exceed one year in jail, including arraignment, sentence, and setting and acceptance of bail.

Civil Infractions are also handled in District Court. A civil infraction is a civil action against you which may result in fines and points. You cannot be sent to jail. You have the following options on a civil infraction ticket: a. To admit responsibility; b. To admit with an explanation where you acknowledge the ticket is true, but have a legal excuse. For example, you are charged with parking in a handicapped spot without a sticker. Your explanation is that I did park there, but I am in a wheelchair, and my wife's car is without a sticker; c. To deny responsibility and to have an informal hearing or a formal hearing.

A small claims division for certain civil claims up to \$3,000.00 is provided in the District Court. Parties agree to waive their right to a jury, rules of evidence, representation by a lawyer, and the right to appeal the district judge's decision.

# MICHIGAN COURTS

## Probate Court Below:

### The Probate Court handles:

#### PROBATE

Deceased Estates  
Wills and Trusts  
Mental Health  
Guardianship  
Conservatorship

#### MISCELLANEOUS

Marriages

## Circuit Court Page 2.

### The Circuit Court handles:

#### CIVIL/CRIMINAL DIVISION

Criminal—Felony; Civil—General Civil (Over \$25,000); Miscellaneous—Driver's License Restoration, Appeals from Trial Courts or Administrative Agencies

#### FAMILY DIVISION

Domestic Relations—Divorce, Custody, Parenting Time, Paternity, Support; Juvenile—Adoption, Delinquency, Waiver of Parental Consent for Abortion, Child Protection Proceedings, Emancipation; Miscellaneous—Personal Protection Orders (PPOs), Name Changes

#### COURT OF CLAIMS

Civil Claims against State

## District Court Page 3.

### The District Court handles:

#### CRIMINAL

Misdemeanor,  
Felony (preliminary stages)

#### CIVIL

General Civil (up to \$25,000),  
Small Claims, Landlord Tenant

#### CIVIL INFRACTIONS

Traffic and Parking, Municipal Civil  
Infractions, State Civil Infractions

#### MISCELLANEOUS

Marriages

### The Municipal Court handles:

#### CRIMINAL

Misdemeanor (up to 1 year in jail),  
Felony (preliminary stages)

#### CIVIL

General Civil (up to \$1,500),  
Conciliation (up to \$100),  
Landlord Tenant

#### CIVIL INFRACTIONS

Traffic and Parking, Municipal Civil  
Infractions, State Civil Infractions

#### MISCELLANEOUS

Marriages

## What does the Probate Court do?



### PROBATE

Deceased Estates

#### What is it?

A case involving the administration by the courts of the assets of a deceased or disappeared person.

#### Where do you go?

The Probate Court where the deceased resided or if the deceased was not a resident of Michigan, in the county where the deceased left property.

Wills and Trusts

Issues concerning the validity or interpretation of a will or trust.

The Probate Court where the deceased resided or if the deceased was not a resident of Michigan, in the county where the deceased left property.

Mental Health

Cases involving mental illness or development disabilities.

The Probate Court where the mentally ill person resides.

Guardianship

The determination of who has the legal duty and power to care for a person under age 18 years or a person 18 years or older, who, because of some legal disability such as incompetence, is considered unable to care for him/her self.

The Probate Court where the person resides or is found. However, if the person is under age 18, and the matter arises out of a protective proceeding, a delinquency proceeding or a domestic relations custody case, then the Family Division of the Circuit Court.

Conservatorship

The determination of who has the legal duty and power to manage and protect the estate of a person 18 years or older, who, because of some legal disability such as incompetence, is unable to manage the estate themselves.

The Probate Court where the person resides or, if the person is a non resident, where the property is located. However, if the person is under age 18, and the matter arises out of a protective proceeding, a delinquency proceeding or a domestic relations custody case, then the Family Division of the Circuit Court.

### MISCELLANEOUS

Marriage

#### What is it?

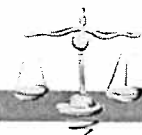
The creation of a legal relationship between a husband and wife.

#### Where do you go?

Any District or Probate Court within the state.

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<http://courts.michigan.gov> • (517) 373-7171

# What does the Circuit Court do?



## CRIMINAL/CIVIL DIVISION

### CRIMINAL

#### Felony

#### What is it?

The most serious category of criminal offenses and is punishable by more than 1 year in prison.

#### Where do you go?

For felonies involving persons 17 years or older, the District or Municipal Court where the offense occurred typically handles the initial stages of arraignment on the complaint and preliminary examination. If the District Court finds sufficient evidence, the case is bound over or transferred to Circuit Court. The Circuit Court then typically handles the case after bindover including the arraignment on the information, pretrial, trial, plea and sentencing. Felonies involving persons under 17 years of age are usually handled as delinquency cases in the Family Division of the Circuit Court where the minor resides. In some situations, the charge may be handled the same as an adult charge.

### CIVIL

#### General Civil (over \$25,00)

#### What is it?

Cases involving lawsuits between two or more parties seeking money damages, injunctions, or equitable relief.

#### Where do you go?

In general, the location of the proceeding depends on the amount in dispute. Claims of \$25,000 or less are handled in District Court. Claims greater than \$25,000 are handled in Circuit Court. Municipal Courts can only handle claims up to \$1,500. However, Circuit Court can handle cases involving equitable relief. Typically, a case may be filed either where the defendant resides, has a place of business, conducts business or has a registered office. Sometimes the case may also be filed where the action arose.

### MISCELLANEOUS

#### Driver's License Restoration

#### What is it?

A hearing at the end of a period of license revocation or suspension to reinstate driving privileges.

#### Where do you go?

The Circuit Court in the county where the person resides.

#### Appeals to Circuit Court

The review of orders or judgments of other trial courts or administrative agencies by the Circuit Court.

The Circuit Court in the county where the trial court or administrative agency order or judgment is issued.

## FAMILY DIVISION

### DOMESTIC RELATIONS

#### Divorce

#### What is it?

The termination of a marriage.

#### Where do you go?

The Family Division of the Circuit Court where either party resides.

#### Paternity

The determination of legal fatherhood.

The Family Division of the Circuit Court where either party resides.

#### Support

The determination of the amount of money for care of a child or spouse.

The court where the divorce judgment was granted. If there was no divorce, then the Family Division of the Circuit Court where the plaintiff resides.

#### Parenting Time

The determination of time spent with the non-custodial parent.

The Family Division of the Circuit Court where the divorce or custody judgment was entered.

#### Custody

The determination of which parent shall be responsible for primary care.

The Family Division of the Circuit Court where the divorce judgment was granted. If there was no divorce, then the Family Division of the Circuit Court where the plaintiff resides.

### JUVENILE

#### Adoption

#### What is it?

Legally taking parental responsibilities for a child.

#### Where do you go?

The Family Division of the Circuit Court where the minor or the petitioner resides.

#### Child Protection Proceedings

Abuse of a child under age 18 or situations in which a child under age 18 is not receiving proper care.

The Family Division of the Circuit Court where the minor resides or the offense against the child occurred.

#### Delinquency

An offense committed by a child under 17 years of age which would be a criminal offense if committed by an adult, including misdemeanor traffic offenses. Delinquency cases may also include state offenses such as Home Incorrigibility, Home Truancy, School Incorrigibility and School Truancy.

The Family Division of the Circuit Court where the minor resides or the offense was committed.

#### Emancipation

The legal way a minor between the ages of 16 to 18 can be freed from his/her parent's control.

The Family Division of the Circuit Court where the minor resides.

#### Waiver of Parental Consent of Abortion

Cases involving minors seeking an abortion without parental consent.

The Family Division of the Circuit Court where the minor resides or is found.

*Circuit Court continued on next page*

## FAMILY DIVISION OF CIRCUIT COURT (continued from page 1)

### MISCELLANEOUS

	What is it?	Where do you go?
<b>Personal Protection Orders (PPOs)</b>	Actions seeking protection from individuals for criminal stalking or domestic abuse.	The Family Division of the Circuit Court in any county of Michigan.
<b>Name Changes</b>	Actions involving change of name.	The Family Division of the Circuit Court where the petitioner has resided for a minimum 1-year period.

### COURT OF CLAIMS

	What is it?	Where do you go?
<b>Civil Claims Against the State</b>	Cases against the State of Michigan.	The Court of Claims which is located in the Ingham County Court in Lansing.

## What does the District Court do?



### CRIMINAL

	What is it?	Where do you go?
<b>Misdemeanor</b>	Crimes of a less serious nature that usually carry a maximum jail term of 1 year including traffic misdemeanors.	Misdemeanors are handled by the District or Municipal Court where the offense occurred. If the case involves a juvenile under 17 years of age, the case would be handled as a delinquency case in the Family Division of the Circuit Court (See Delinquency).
<b>Felony</b> (preliminary stages)	The most serious category of criminal offenses punishable by more than 1 year in prison.	For felonies involving persons 17 years or older, the District or Municipal Court where the offense occurred typically handles the initial stages of arraignment on the complaint and preliminary examination. If the District Court finds sufficient evidence, the case is bound over or transferred to Circuit Court. The Circuit Court then typically handles the case after bindover including the arraignment on the information, pretrial, trial, plea and sentencing. Felonies involving persons under 17 years of age are usually handled as delinquency cases in the Family Division of the Circuit Court where the minor resides. In some situations, the charge may be handled the same as an adult charge.

### CIVIL

	What is it?	Where do you go?
<b>General Civil</b> (up to \$25,000)	Cases involving lawsuits between two or more parties seeking money damages, injunctions, or equitable relief.	In general, it depends on the amount in dispute. Claims of \$25,000 or less are handled in District Court. Claims greater than \$25,000 or less are handled in District Court. Claims greater than \$25,000 are handled in Circuit Court. Municipal Courts can only handle claims up to \$1,500. However, Circuit Court can handle cases involving equitable relief. Typically, a case may be filed either where the defendant resides, has a place of business, conducts business or has a registered office. Sometimes the case may also be filed where the action arose.
<b>Small Claims</b>	Cases where the amount claimed does not exceed a specified amount. As of 1/98, small claims cases could not exceed \$1,750. There are no lawyers or juries and no right to appeal.	Only District Court handles small claims cases. A case may be filed either where the defendant resides, is employed or where the action arose.
<b>Landlord Tenant</b>	Proceedings to recover possession of premises and/or obtain a money judgment.	The District or Municipal Court where the premises are located. If there is a claim for a money judgment on a landlord tenant case, a Municipal Court has jurisdiction up to \$1,500 and District Court has jurisdiction up to \$25,000. If a claim for money judgment exceeds the Court's jurisdiction, the District or Municipal Court determines the possession issue and the Circuit Court determines the money portion.

### CIVIL INFRACTIONS

	What is it?	Where do you go?
<b>Traffic and Parking Civil Infractions</b>	Traffic offenses not serious enough to be classified as crimes, but serious enough to deserve sanctions other than jail. They include minor traffic violations such as speeding and parking violations.	The District or Municipal Court where the violations occurred. Note: Some areas may have a Parking Violations Bureau.
<b>Municipal Civil Infractions</b>	Non-traffic civil infractions such as building code, nuisance, trailways, dog, park and curfew offenses that are violations of a local ordinance.	The District or Municipal Court where the violations occurred.
<b>State Civil Infractions</b>	Non-traffic civil infractions that are violations of a state law.	The District or Municipal Court where the violations occurred.

### MISCELLANEOUS

	What is it?	Where do you go?
<b>Marriages</b>	The creation of a legal relationship between a husband and wife.	Any District or Probate Court within the state.

# What does the Municipal Court do?



## CRIMINAL

### Misdemeanor

#### What is it?

Crimes of a less serious nature that usually carry a maximum jail term of 1 year including traffic misdemeanors.

#### Where do you go?

Misdemeanors are handled by the District or Municipal Court where the offense occurred. Note: Some misdemeanors are punishable by more than 1 year in jail but are processed in the same manner as felonies.

Note: If the case involves a juvenile under 17 years of age, the case would be handled as a delinquency case in the Family Division of the Circuit Court (See Delinquency).

### Felony

(preliminary stages)

The most serious category of criminal offenses punishable by more than 1 year in prison.

Felonies involving persons under 17 years of age are usually handled as delinquency cases in the Family Division of the Circuit Court where the minor resides. In some situations, the charge may be handled the same as an adult charge.

For felonies involving persons 17 years or older, the District or Municipal Court where the offense occurred typically handles the initial stages of arraignment on the complaint and preliminary examination. If the District or Municipal Court finds sufficient evidence, the case is bound over or transferred to Circuit Court. The Circuit Court then typically handles the case after bindover including the arraignment on the information, pretrial, trial, plea and sentencing.

## CIVIL

### General Civil

(up to \$1,500)

#### What is it?

Cases involving lawsuits between two or more parties seeking money damages, injunctions, or equitable relief.

#### Where do you go?

In general, it depends on the amount in dispute. Claims of \$25,000 or less are handled in District Court. Claims greater than \$25,000 are handled in Circuit Court. Municipal Courts can only handle claims up to \$1,500.

However, Circuit Court can handle cases involving equitable relief.

Venue may be proper in more than one court location. Typically, a case may be filed either where the defendant resides, has a place of business, conducts business or has a registered office. Sometimes the case may also be filed where the action arose.

### Conciliation

Cases where the amount claimed does not exceed \$100. Cases are settled in an informal manner, with a judge or clerk acting as a conciliator, who may suspend rules of evidence and dispense with swearing witnesses.

Any person may state his or her claim to a clerk of the municipal court. Venue may be proper in more than one municipal court location. A case may be filed either where the defendant resides, is employed or where the action arose.

### Landlord Tenant

Proceedings to recover possession of premises and/or obtain a money judgment.

The District or Municipal Court where the premises are located. If there is a claim for money judgment on a landlord tenant case, a Municipal Court has jurisdiction up to \$1,500 and District Court has jurisdiction up to \$25,000. If a claim for money judgment exceeds the Court's jurisdiction, the District or Municipal Court determines the possession issue and the Circuit Court determines the money portion.

## CIVIL INFRACTIONS

### Traffic and Parking Civil Infractions

#### What is it?

Traffic offenses not serious enough to deserve to be classified as crimes, but serious enough to deserve sanctions other than jail. They include minor traffic violations such as speeding and parking violations.

#### Where do you go?

The District or Municipal Court where the violations occurred. Note: Some areas may have a Parking Violations Bureau.

### Municipal Civil Infractions

Non-traffic civil infractions such as building code, nuisance, trailways, dog, park and curfew offenses that are violations of a local ordinance.

The District or Municipal Court where the violations occurred.

### State Civil Infractions

Non-traffic civil infractions that are violations of a state law.

The District or Municipal Court where the violations occurred.

## FAMILY & PROBATE

### Marriage

#### What is it?

The creation of a legal relationship between a husband and wife.

#### Where do you go?

Any District or Probate Court within the state.

